

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

In the Matter of)	
)	
Application by SBC Communications Inc.,)	
Michigan Bell Telephone Company, and)	WC Docket No. 03-138
Southwestern Bell Communications Services, Inc.)	
For Provision of In-Region, InterLATA)	
Services in Michigan)	

COMMENTS OF SPRINT COMMUNICATIONS COMPANY L.P.

Sprint Communications Company L.P. opposes the above-captioned application of SBC Communications Inc., Michigan Bell Telephone Company, and Southwestern Bell Communications Services, Inc. for authorization to provide in-region, interLATA services in Michigan.

After withdrawing its original filing on April 16, 2003, SBC recently refiled its application for 271 authorization in Michigan. Its revised Application adopts all of the filings it made in WC Docket No. 03-16 and offers supplemental information on three issues identified in that proceeding.¹

In its Comments filed WC Docket No. 03-16, which Sprint hereby incorporates by reference pursuant to the Commission's Public Notice in this docket released June 19, 2003 (DA 03-2039), Sprint opposed SBC's original application because SBC had failed

¹ Supplemental Brief in support of Application by SBC for Provision of In-Region, InterLATA Services in Michigan, WC Docket No. 03-138 (filed June 19, 2003) at 2.

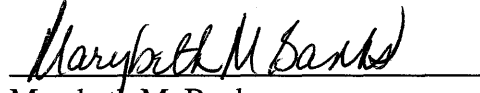
to demonstrate that meaningful competition exists in Michigan. At the time of SBC's original application, Sprint did not compete with SBC for local service in Michigan. Nevertheless, SBC attributed to Sprint thousands of UNE-P lines, as well as over 5 percent of the resold lines of CLECs in Michigan Bell's local service areas. As Sprint explained in its Comments, its facilities in Michigan are one-way Dial IP facilities which cannot be used for local exchange services. In her Reply Affidavit filed March 4, 2003 (at 4), Deborah O. Heritage acknowledged that she "mistakenly attribute[d] certain UNE-P and resold lines to Sprint" and that "[t]he UNE-P and resold lines attributed to Sprint should have been attributed to a different competitor – United Telecom, Inc." She then sought to assure the Commission that "[t]his error...did not in any way affect the total quantity of competitive lines as set forth in my affidavit." Id. However, because United Telecom, Inc. (which is another subsidiary of Sprint Corporation) does not compete with SBC for local service in Michigan either, the error certainly does "affect the total quantity of lines." To the extent that the local market share information provided by SBC reflects facilities of Sprint and other service providers that are not used to provide local exchange service in competition with SBC, the relevant CLEC market shares are improperly overstated.²

² In her Reply Affidavit, Ms. Heritage discussed her use of a line-to-trunk ratio to estimate the number of CLEC lines and claimed that its use "takes into consideration that CLECs may use some of their trunks for high usage customers, such as ISPs, and that not all trunks are used for local service." Id. at 5. The use of such a ratio to estimate CLEC lines does not mitigate the error of including lines which are not -- and cannot be -- used to provide local service. Further, the fact that Sprint was the only company to report such an error does not necessarily mean this error was limited to Sprint.

Because SBC has failed to demonstrate that there is meaningful competition in Michigan, its application for § 271 relief should be denied.

Respectfully submitted,

Sprint Communications Company L.P.

A handwritten signature in black ink, appearing to read "Marybeth M. Banks", is written over a horizontal line.

Marybeth M. Banks

Richard Juhnke

401 9th Street, N.W., Suite 400

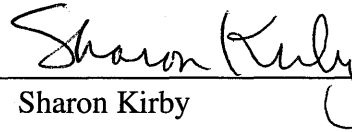
Washington, D.C. 20004

(202) 585-1908

July 2, 2003

CERTIFICATE OF SERVICE

I hereby certify that a copy of Sprint's Comments In the Matter of Application by SBC Communications Inc., Michigan Bell Telephone Company, and Southwestern Bell Communications Services, Inc. for Provision of In-Region, InterLATA Services in Michigan, WC Docket No. 03-138, was sent electronically and/or by U.S. First Class Mail on this 2nd day of July 2003 to the parties listed below.


Sharon Kirby

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

VIA E-MAIL AND HAND DELIVERY

*Janice Myles
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554
jmyles@fcc.gov
spie@fcc.gov
gspade@fcc.gov

Qualex International
Portals II, Room CY-B402
445 12th Street, S.W.
Washington, DC 20554

**Layla Seirafi-Najar
U.S. Department of Justice
Antitrust Division/TME
Telecommunications and Media
Enforcement
1401 H Street, NW, Suite 8000
Washington, DC 20530
Layla.seirafi-najar@usdoj.gov

*15 paper copies

**1 paper copy

VIA U.S. MAIL

Rodney Gregg
Michigan Public Service Commission
P.O. Box 30221
Lansing, MI 48909
rpgregg@michigan.gov

James D. Ellis
Paul K. Mancini
Martin E. Grambow
John T. Lenahan
Kelly M. Murray
Robert J. Gryzmala
Randall Johnson
Travis M. Dogg
John D. Mason
SBC Communications, Inc.
175 E. Houston
San Antonio, TX 78205

Craig A. Anderson
Joseph P. Tocco
Michigan Bell Telephone Company
444 Michigan Avenue, Room 1700
Detroit, MI 48226

Michael K. Kellogg
Geoffrey M. Klineberg
Kellogg, Huber, Hansen, et al.
1615 M Street, NW, Suite 400
Washington, DC 20036
*Counsel for SBC Communications, Inc.
Michigan Bell Telephone, and Southwestern
Bell Communications Services, Inc.*